



**Migration and Refugee Service
Office of Migration Policy and Public Affairs**

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Family Detention

“Migrants and refugees are not pawns on the chessboard of humanity. They are children, women and men who leave or are forced to leave their homes for various reasons, who share a legitimate desire for knowing and having, but above all for being more.”- *Pope Francis, Message for 2014 World Refugee Day*

What is Family Detention? Immigration and Customs Enforcement (ICE), a branch of the Department of Homeland Security (DHS) has requested funding to construct 6,350 additional detention beds for undocumented migrant families with children in family detention centers throughout the United States. Currently, family detention centers are located in Berks, Pennsylvania; Artesia, New Mexico; and Karnes Detention Center near San Antonio. Artesia and Karnes have been opened recently to respond to the approximately 54,000 family members who have entered the United States since October of last year.¹

Family detention is one piece of the national immigrant detention network that costs taxpayers \$2 billion/year.² Immigrant families (primarily women and children) who are apprehended by the Customs and Border Patrol (CBP) are placed into ICE custody and ICE then places these immigrant families into family detention facilities. Family immigrant detention facilities are described by ICE as “residential facilities” with the families considered “residents” but in reality the families have limited freedoms and are forced to live in a restrictive detention setting.³

Why Is Family Detention Particularly Harmful? A majority of the recent large number of families who have been apprehended at the US-Mexico border are coming from El Salvador, Guatemala, and Honduras and are fleeing extreme violence and persecution. These vulnerable women and children are making increasingly dangerous journeys to seek safety and protection in the United States. Instead of

¹United States Border Patrol Southwest Border Sectors Family Unit and Unaccompanied Alien Children (0-17) apprehensions FY 14 through June, compared to the same time period for FY 13, available at <http://www.cbp.gov/sites/default/files/documents/SWB%20Family%20and%20UAC%20Apps.pdf> These figures are approximate and include families encountered by CBP as of June 30, 2014.

² Department of Homeland Security, U.S. Immigration and Customs Enforcement, Salaries and Expenses, Fy2014 Congressional Budget Justification p. 43-51, available at <https://www.dhs.gov/sites/default/files/publications/MGMT/DHS-%20Annual%20Performance%20Report%20and%20Congressional-Budget-Justification-FY2014.pdf>. DHS requested \$1,844,802,000 for Custody Operations in FY 2014, however, in H.R. 2217, the House of Representatives increased the proposed amount for detention programs to \$2,038,239,000 in order to increase the number of detention beds to 34,000. See Department of Homeland Security Appropriations Bill Committee Report, p. 40, available at <http://appropriations.house.gov/uploadedfiles/hrpt-113-hr-fy2014-hsecurity.pdf>

³ House Committee on Appropriations, Department of Homeland Security Appropriations Bill, 2006: Report Together with Additional Views (to accompany H.R. 2360), 109th Cong., 1st Session, 2005, H. Rep. 109-79.

receiving refuge, they are being placed in confining detention facilities in remote locations. Detaining children is psychologically and physically damaging to them and against international human rights law and general child welfare principles. Many of these infants, toddlers, women, and children have legitimate protection claims and should not be detained. They also should receive due process protections and be allowed to appear before an immigration judge.

What Laws Oversee the Conditions at the Facilities? ICE has created family detention standards, but the standards themselves are not codified and as such do not confer a cause of action in court.⁴ Family detention facilities are subject to minimal independent oversight to ensure compliance with standards. DHS is legally mandated to place families with children in the least restrictive setting possible, through the *Flores*⁵ settlement. *Flores* requires that the government release a minor from its custody without unnecessary delay. The government has a failed record of consistently implementing *Flores*.

Talking Points on Family Detention

- **Family Detention Is Inhumane and Violates Basic Human Rights and Dignity Principles**
Detaining children and women in remote facilities that are difficult to access and provide services for is against our democratic and religious principles. Family Immigrant Detention, as seen in Artesia, cuts off access to legal support and as a result prohibits due process. Children should not be locked up in prison-like facilities that restrict their movement and stunt their psychological and emotional development. Additionally, placing vulnerable women and children in detention who have experienced extreme persecution and violence is also against our moral and religious principles to protect the defenseless and welcome the stranger.
- **Family Detention Is Expensive to Operate and Not Proven to Be More Effective than Less-Costly Alternatives to Detention**
Immigration detention costs \$2 billion/year to run and operating family immigrant detention centers will likely increase that cost as it is necessary to have state-mandated education and care and other services available for children. Alternatives to Detention (ATD) have proven to be much more cost-effective and humane restorative programs that ensure families appear for their immigration proceedings and receive vital social, legal, and community support. ICE should be directed to use some of its \$5.34 billion dollar budget to employ alternatives to detention for family care. ATD should be expanded and must include case managers and legal service providers to help access necessary services.
- **Family Detention Will Not Effectively Deter Families Fleeing Violence and Persecution from Coming to the US**
Detaining vulnerable families is not the solution to the violence that is making families flee from their home countries. Instead we should be looking to examine and identify root causes in home countries and looking to address the push factors such as violence, citizen insecurity and lack of community, educational and work opportunities. The lessons of Hutto

⁴ See ICE Family Residential Standards, available at <http://www.ice.gov/detention-standards/family-residential/>

⁵ *Flores v. Reno*, No. CV 85-4544-RJK, Stipulated Settlement Agreement, January 17, 1997. Flores settlement

show us that family immigrant detention simply does not work: it is harmful to women and children, expensive, and not an effective deterrent.

What Can I Do?

As An Advocate:

- Educate your community and policymakers that children who arrive with their mothers should not be detained by Immigration and Customs Enforcement (ICE)
- Voice Your Opposition to Immigrant Detention and Your Desire for Comprehensive Immigration Reform to Your Elected Officials, See a sample here
- Voice Your Support For Increased Funding for and Usage Of Alternatives to Detention
- Build Awareness in Your Parish about Immigrant Detention, Family Immigrant Detention and the Detention Bed Quota. For Example:
 - Host a “Noche de Tomales y Conversaciones” in Your Parish and Invite Immigrant Families to Discuss Their Experiences Relating to Detention and Enforcement

As A Volunteer:

- Give a [Donation](#) to National Catholic Fund for Migration and Refugee Services
- Donate Your Legal, Social Work, and Spanish Language Skills and Time to Helping Coordinate Visitation and Legal and Social Service Support Efforts; Take an Immigration [Training](#) Course or Get BIA-Accredited
- Participate in [Visitation](#) of a Family Immigrant Detention Facility or Immigrant Detention Facility
- Provide Housing or Care for a Family- read Our [Hospitality and Accompaniment](#) for Immigrant Families Worksheet for more information

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